Exhibit 39

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable William H. Alsup, Judge

GOOGLE, LLC,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	**NO. C 20-06754 WHA**
	)	
SONOS, INC.,	)	
	)	
Defendant.	)	
	)	
SONOS, INC.,		
	)	
Plaintiff,	)	
	)	
VS.	)	**NO. C 21-07559 WHA**
	)	
GOOGLE, LLC,	)	
	)	
Defendant.	)	
	)	

San Francisco, California
Thursday, January 13, 2022

TRANSCRIPT OF TELEPHONIC PROCEEDINGS

APPEARANCES: (via telephone)

For Plaintiff/Defendant Google:

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        San Francisco, California 94111
    BY: CHARLES K. VERHOEVEN, ATTORNEY AT LAW
        LINDSAY COOPER, ATTORNEY AT LAW

(APPEARANCES CONTINUED ON THE FOLLOWING PAGE)

REPORTED BY: Marla F. Knox, CSR No. 14421, RPR, CRR, RMR
United States District Court - Official Reporter

1   **MR. SULLIVAN:** The claims are not, Your Honor.

2   **THE COURT:** -- need to be asserted.

3   **MR. SULLIVAN:** Yes. The claims are not, Your Honor.

4   They are not locked in stone, you are correct. But the date of

5   invention for that claim is locked in stone. It is 2011.

6   Whether you change the claims or not after you see

7   something or something is revealed, that's not really the

8   issue.

9   The issue is when did you invent that? You invented it in

10 2011. That's your invention date for purposes of prior art and

11 everything else like that. You are entitled to that --

12   **THE COURT:** Is there a Federal Circuit case on point

13 that helps us understand this problem?

14   In other words, it accepts your argument and says that an

15 agreement like this doesn't matter because the specification

16 preceded it?

17   **MR. SULLIVAN:** I don't know if there is, but the logic

18 is black letter law, Your Honor. I mean, you are entitled to a

19 2011 invention date for those claims if they are supported.

20 Otherwise, the patent is invalid.

21   **THE COURT:** I'm not accepting that proposition yet --

22   **MR. SULLIVAN:** Okay.

23   **THE COURT:** -- because the claims can be monkeyed

24 around with. After you know the secret sauce, then you can

25 mess around with your claims and claim something you wouldn't